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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/977.915 11/25/97 VERNER

P 1267/13

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ADAMS LAW FIRM  
2180 FIRST UNION PLAZA  
CHARLOTTE NC 28282

QM61/0520

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EXAMINER

FALIK, A

ART UNIT	PAPER NUMBER
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3741

DATE MAILED:  
05/20/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/977,915**

Applicant(s)  
**Verner et al**

Examiner  
**Andy Falik**

Group Art Unit  
**3741**



☒ Responsive to communication(s) filed on Nov 25, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-20, 22, and 23 is/are allowed.

☒ Claim(s) 21 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☒ received in Application No. (Series Code/Serial Number) 08/050,432.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3741

### **DETAILED ACTION**

This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172 and 3.73. See MPEP § 1410.01.

Pursuant to the seventh paragraph in the Reissue Declaration Applicants are requested to discuss in the Remarks section of their amendment responsive to this Office action as to how each of the newly added claims specifically differ from the patent claims to which they most resemble in matters other than the omission of the weaving machine limitation. For example, newly added claim 20 distinguishes from patent claim 1 by not only the aforementioned weaving machine limitation but also by the omission among others of "spaced from a warp of the weaving machine and directed towards the warp" on lines 4&5.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3741

On line 1 in section d) there is indefinite antecedent basis for "air distributor" since it can't be determined from the claim language if this is the same or different from the air distributor recited on the first line in section b).

*Allowable Subject Matter*

Claims 1-20,22,23 are allowed.

Claim 21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Except for the following three references all of the references listed on the attached form PTO 892 were cited during the prosecution of 08/050,432. The air filtration systems of Stewart and Shofner are of interest for the disclosure to a filter fabric 34 ( Shofner) and to the primary and secondary filter fabrics F1 & F2 (Stewart). Gengler is of interest for its teaching of a tubular air diffuser for distributing conditioned air to a textile machine.

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Any inquiry to the merits of this office action or to any specific features of this communication or earlier communications from the examiner should be directed to Andy Falik whose telephone number is (703) 308-1283. The examiner can normally be reached on Monday-Thursday from 7:30AM-6:00PM.

Serial Number: 08/977,915

Page 4

Art Unit: 3741

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Crowder can be reached on (703) 308-0949. The fax phone number for this Group is (703) 305-3588.

Any inquiry of a general nature such as a missing reference or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. Any inquiry relating to the drawings should be directed to the Drafting Branch whose telephone number is (703) 305-8404.

  
**ANDY FALIK**  
**PRIMARY EXAMINER**  
**GROUP 3741**

AMF  
May 6, 1998